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03/05/2010

INVENTOR: RAYMOND HESLINE
SERIAL NUMBER: 10/553,132
FILED: 10/14/2005
GROUP ART UNIT: 2872
EXAMINER: DEREK S. CHAPEL
TITLE: OPTICAL ISOLATOR, ATTENUATOR, CIRCULATOR AND SWITCH

By Facsimile 571-273-8300

February 24, 2010

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America

Dear Sir,

Amendment under 37 C.F.R. § 1.116(c)

The following is a response to the Advisory Action mailed February 16th, 2010.

Supervisory Patent Examiner seems to be unfamiliar with the pending patent application and recent correspondence.

In the Final Office action mailed 1/19/2010, Examiner claimed that "5,864,428 qualifies as art under 35 USC 102(b) and therefore is a bar under 102(b) and thus cannot be overcome by an affidavit or declaration under 37 CFR 1.131". This is clearly a rejection under 35 USC 102(b) and new grounds for rejection.

Applicant has established that the pending patent application has not been patented or described in a printed publication in the United States or a foreign country or been in public use or on sale in the United States, more than one year prior to the date of the application for patent in the United States, and therefore that